

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
LARRY E. HENNEMAN, JR.
HENNEMAN & SAUNDERS
121 E. 11TH STREET
TRACY, CA 95376

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

15 DEC 2003

Applicant's or agent's file reference

0013-011PCT

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US01/22313

16 July 2001 (16.07.2001)

17 July 2000 (17.07.2000)

Applicant

HARRIS, DAVID N.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

M. Kemper

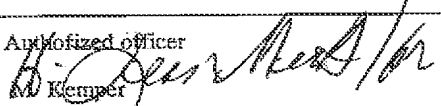
Telephone No. 703-308-1113

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0013-011PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US01/22313	International filing date (day/month/year) 16 July 2001 (16.07.2001)	Priority date (day/month/year) 17 July 2000 (17.07.2000)
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/00 and US Cl.: 705/26		
Applicant HARRIS, DAVID N.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input checked="" type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 13 February 2002 (13.02.2002)	Date of completion of this report 30 November 2003 (30.11.2003)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer  M. Kemper Telephone No. 703-308-1113	

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/22313

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-28 _____ as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☒ the claims:
pages 29-41 _____, as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☒ the drawings:
pages 1-17 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/22313**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>7-12, 15, 23-28, 31, 39-45, 47</u>	YES
	Claims <u>1-6, 13-14, 16-22, 29-30, 32-38, 46, 48-84</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-84</u>	NO
Industrial Applicability (IA)	Claims <u>1-84</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/22313

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No Patent No.	Publication Date (day/month/year)	Filing Date (day/month/year)	Priority date (valid claim) (day/month/year)
12 US 6,529,725 A	04 March 2003 (04.03.2003)	09 October 1998 (09.10.1998)	08 August 1996 (08.08.1996)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
--------------------------------	--	---

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/22313

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 1-6, 13-14, 16-22, 29-30, 32-38, 46, 48-84 lack novelty under PCT Article 33(2) as being anticipated by Blonder, patent number 5,708, 422.

Blonder teaches a method for verifying a commercial transaction comprising: receiving a transaction approval request from the merchant, the request including the account number (col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col. 5, lines 5-10); electronically verifying the approval request with the account holder via a separate communication from the merchant (see at least col. 2, lines 50-55, col. 3, lines 5-15, 25-35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5) and transmitting an approval to the merchant only if request is verified by the account holder (col. 3, lines 1-5, col. 10, lines 35-37).

Blonder also teaches a computer system for verifying a commercial transaction comprising: a processing unit for processing data and code, a memory device for storing data and code including a merchant communications module to facilitate a connection with the merchant for receiving a transaction approval request including a complete account number (fig. 1, col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col. 5, lines 5-10); an account holder communications module operative to facilitate a separate connection with the account holder for verifying the request (see at least col. 2, lines 50-55, col. 3, lines 5-15, 25-35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5); and an authorization module responsive to receipt of the approval request and transmitting an approval to the merchant only if the approval request is verified by the account holder (fig. 7, fig. 9, fig. 10 (at least), col. 10, lines 35-37).

Blonder also teaches the authorization module includes an interactive verification module responsive to the approval request and initiating a connection with the account holder and verifying the transaction request by prompting the account holder to verify the request (col. 7, line 65 - col. 9, line 30); sending an electronic message to the account holder via a network interface and receiving a reply to the electronic message (col. 6, lines 55 - col. 7, line 3, col. 9, lines 10-30); a telecommunications device where the interactive verification module places an automated telephone call to the account holder and includes establishing a telephone connection with the account holder, reciting a portion of the request to the account holder, and receiving verification instructions from the account holder (col. 8, lines 10-55); the authorization module is responsive to instructions from the account holder to automatically verify subsequent transaction approval requests without further input from the account holder and instructions for enabling or disabling the electronic verification (col. 5, line 30-45, col. 7, lines 1-10, col. 14, lines 35-67); the authorization module includes a master verification module responsive to the lapse of a predetermined time period and operative to disclaim the request if the request has not been verified by the account-holder (col. 7, lines 5-15, col. 10, lines 5-20, lines 55-65); the transaction approval request is a verification request from a third-party financial institution and the authorization module transmits indicia of verification to the third party institution (col. 5, lines 30-35, col. 9, lines 25-30).

Claims 7-12, 15, 23-28, 31, 39-45, 47 lack an inventive step under PCT Article 33(3) as being obvious over Blonder et al.

While Blonder teaches the interactive verification module requires authentication from the account holder prior to reciting a portion of the approval request (col. 8, lines 45-50), Blonder does not teach the use of an authentication code for this purpose. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used an authentication code prior to reciting a portion of the approval request in Blonder since, at least, personal identification numbers, or pin, are well

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/22313

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

known in the art for identifying/authenticating customers (claims 15,25). Use of the pin authentication would have at least reduced the processing and storage demands of voice recognition particularly considering the number of customers the system would need to serve.

Blonder teaches establishing a connection with the account holder, authenticating the account holder, transmitting a portion of the approval request, and receiving verification instructions from the account holder with respect to the approval request (col. 8, lines 10-55), but does not show waiting for a connection initiated by the account holder. It would have been obvious to one having ordinary skill in the art at the time of the invention to have waited for the customer to initiate communication with the system since this would have provided the customer the time he/she needed to decide whether to approve/disapprove the transaction. It also would have been obvious to have transmitted a notice to the account holder when the transaction approval request was disclaimed since this would have provided a complete record of activity for the account holder.

NEW CITATIONS

US 5,708,422 A (BLONDER et al) 13 January 1998, abstract, summary